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PILLSBURY WINTHROP SHAW PITTMAN LLP
725 S. FIGUEROA STREET
SUITE 2800
LOS ANGELES, CA 90017

EXAMINER
ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/749,746	ROSENBERG ET AL.
	Examiner	Art Unit
	Akiba K. Robinson-Boyce	3639

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-14,16,17 and 20-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-14, 16, 17, and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/05

has been entered.

Status of Claims

2.   Due to communications filed 8/15/05, the following is a non-final office action.

Claims 1-8, 15, 18 and 19 have been cancelled. Claims 9, 11, 13, 14, 16, 17 and 20

have been amended. Claims 9-14, 16, 17, and 20-23 are pending in this application

and have been examined on the merits. Claims 9-14, 16, 17 and 20-23 are rejected as

follows.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by

Klingman (US 5,950,172).

As per claim 9, Klingman discloses:

acquire post-use multiple-scale ratings from at least one user, said post-use multiple-scale ratings corresponding to at least one product, the one product also being rated by multiple-scale product ratings, each of said post-use multiple-scale ratings and each of said multiple-scale product ratings comprising a plurality of rating scores with respect to a plurality of corresponding rating scales, wherein each of the multiple-scale ratings corresponds to a rating of a property of content of the at least one product, (Col. 9, lines 9-12, buyer obtaining rating information for product in question after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores, w/ col. 11, line 63-Col. 12, line 8, shows a typical range of scores starting from the value of 10-60);

analyze said post-use multiple-scale ratings, (col. 12, lines 51-55, mathematical analyses on scoring data); and

enable adaptive product recommendations based on the analysis of said post-use multiple-scale ratings, (Col. 12, lines 56-59, product may be reviewed and reviewers recommendations given, w/ Col. 4, lines 1-5, shows an example of top ten list of books (where the book is the product) have been used).

As per claim 10, Klingman discloses:

wherein said enabling includes *at least one* of:

updating said multiple-scale product ratings using a new multiple-scale rating generated based on the analysis resulted from said analyzing, (Col. 24, lines 31-38, determining a new score rating based on providers rating);

As per claim 11, Klingman discloses:

obtain a multiple-scale product rating of a product, said multiple-scale product rating being a plurality of rating scores corresponding to said rating scales, wherein each of the multiple-scale ratings corresponds to a rating of a property of content of the at least one product, (col. 9, lines 7-9, rate product after the purchase of the product by assigning a score within a range of scores, w/ col. 11, line 63-Col. 12, line 8, shows a typical range of scores starting from the value of 10-60);

acquire post-use multiple-scale ratings of said product, said post-use multiple-scale ratings being a plurality of rating scores corresponding to the plurality of rating scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question after purchase o f product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores); and

adjust multiple-scale product rating based on the post-use multiple- scale ratings, (Col. 21, lines 55-57, scoring is updated to reflect buyer's input)

As per claim 12, Klingman discloses:

generating a new multiple-scale rating based on said post-use multiple-scale ratings, (Col. 24, lines 31-38, determining a new score rating based on providers rating);

revising said multiple-scale product rating of said product based on said new multiple-scale rating, (col. 21, line 55-57, scoring updated to reflect buyer's input).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 13-14, 16, 17, and 20-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (US 5,950,172), and further in view of Brown (US 6,611,842).

As per claims 13, Klingman discloses:

obtain a plurality of pre-use multiple-scale selection specifications from a user, each of said pre-use multi-scale selection specifications being a rating score corresponding to a rating scale/comprising a plurality of rating scores with respect to a plurality of corresponding rating scales, wherein each of the multiple-scale ratings corresponds to a rating of a property of content of the at least one product, (Col. 9, lines 7-9, buyer obtaining rating information for product prior to purchase, w/ col. 16, lines 27-31, displaying description of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores, w/ col. 11, line 63-Col. 12, line 8, shows a typical range of scores starting from the value of 10-60);

receive input to select the product from the user, (col. 25, lines 8-9, product remotely selectable by user);

acquire post-use multiple-scale ratings for said product from the user after the product has been selected, said post-use multiple-scale ratings corresponding to the product, (col. 9, lines 9-16, buyer's system is provided with rating information displayed to the buyer for ratings after the purchase of the product);

Klingman does not specifically disclose obtaining a recommendation for a

product based on a proximity of said plurality of pre-use multiple-scale selection

specifications to the multiple scale product ratings/and at least one multiple-scale

product rating, each of said multiple-scale product ratings corresponding to a product

and being a plurality of rating scores corresponding to the plurality of said rating scale,

but does disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

obtaining a recommendation for a product based on a proximity of said plurality

of pre-use multiple-scale selection specifications to the multiple scale product

ratings/and at least one multiple-scale product rating, each of said multiple-scale

product ratings corresponding to a product and being a plurality of rating scores

corresponding to the plurality of said rating scale, (Col. 3, lines 17-30, shows

automatically recording a television program [represents selection of the program as a

product] based on the comparison of profile data associated with received signals

[represents pre-use data] and user profile data generated utilizing user histories of

viewed programs, [represents multiple-scale product ratings since it is shown that lists

of suggested products are selected based on product ratings corresponding to products

identified within the user history data in col. 4, lines 27-37. Brown discloses this

limitation in an analogous art for the purpose of showing that recommendations can be

automatically generated based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to obtain a recommendation for a product based on a proximity of

said plurality of pre-use multiple-scale selection specifications to the multiple scale

product ratings/and at least one multiple-scale product rating, each of said multiple-

scale product ratings corresponding to a product and being a plurality of rating scores

corresponding to the plurality of said rating scale with the motivation of showing that

products that haven't been used can be appropriately recommended to a customer

based on the rating for a product that the customer has already used.

Klingman does not specifically disclose generating pre/post discrepancies for the

multiple rating scales by determining the difference between the pre-use multiple

scale selection specifications and the post-use multiple-scale product ratings, but does

disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

Generate pre/post discrepancies for the multiple rating scales by determining the

difference between the pre-use multiple scale selection specifications and the post-use

multiple-scale product ratings, (Col. 3, lines 17-30, shows automatically recording a

television program (represents selection of the program as a product) based on the

comparison of profile data associated with received signals (represents pre-use data)

and user profile data generated utilizing user histories of viewed programs, (represents

post-use multiple-scale product ratings since it is shown that lists of suggested products

are selected based on product ratings corresponding to products identified within the

user history data in col. 4, lines 27-37. Brown discloses this limitation in an analogous

art for the purpose of showing that recommendations can be automatically generated

based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to generate pre/post discrepancies for the multiple rating scales by

determining the difference between the pre-use multiple scale' selection specifications

and the post-use multiple-scale product ratings with the motivation of showing that

products that haven't been used can be appropriately recommended to a customer

based on the rating for a product that the customer has already used.

As per claim 14, Klingman discloses:

Create a multiple-scale personalized filter for said user based on said

pre/post-use discrepancies, (Col. 24, lines 31-38, determining a new score rating based

on providers rating).

As per claim 16, Klingman discloses:

Acquire post-use satisfaction ratings of said product from said user of said

product, (col. 9, lines 9-16, buyer's system is provided with rating information displayed

to the buyer for ratings after the purchase of the product);

Klingman does not specifically disclose correlate the post-use satisfaction ratings

with the pre/post –use discrepancies for the plurality of rating scales to identify which of

the pre/post-use discrepancies substantially correlate with low values of said post-use

satisfaction ratings, but doe disclose multiple-scale product ratings in col. 12, lines 33-

47.

However, Brown discloses:

correlate the post-use satisfaction ratings with the pre/post –use discrepancies

for the plurality of rating scales to identify which of the pre/post-use discrepancies

substantially correlate with low values of said post-use satisfaction ratings, (Col. 3, lines 17-30, shows automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37. Brown discloses this limitation in an analogous art for the purpose of showing that recommendations can be automatically generated based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to correlate the post-use satisfaction ratings with the pre/post –use discrepancies for the plurality of rating scales to identify which of the pre/post-use discrepancies substantially correlate with low values of said post-use satisfaction ratings with the motivation of showing that products that haven't been used can be appropriately recommended to a customer based on the rating for a product that the customer has already used.

As per claim 17, Klingman discloses:

an acquisition unit for acquiring pre-use selection specifications from a user,

each of said pre-use selection specifications specifying a desired product and being a plurality of scores corresponding to a plurality of rating scales, each of the rating scales rating a property of each of a plurality of products; (Col. 9, lines 9-12, buyer obtaining

rating information for product in question after purchase of product, w/ col. 9, lines 9-13,

shows that the product is rated with a score within a range of scores, w/Col. 26,lines 15-

19, shows a local subsystem which represents the unit, , w/ col. 11, line 63-Col. 12, line

8, shows a typical range of scores starting from the value of 10-60).

a product rating storage mechanism for storing multiple-scale product ratings

for the plurality of products, each of said multiple-scale product ratings corresponding to

one of said products, (Col. 23,lines 64-67, save ratio information for storage);

an acquisition unit for acquiring post-use multiple-scale ratings for a product

selected from the product recommendations, said post-use multiple-scale product

ratings comprising a plurality of rating scores corresponding to said product rating

scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question

after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a

score within a range of scores, w/Col. 26,lines 15-19, shows a local subsystem which

represents the unit);

a personalized filter generator to create a personalized filter for the user based

on pre-post-user discrepancies which are the differences calculated between said pre-

use selection specifications and said post-use multiple-scale product ratings, (Col. 10,

lines 46-65, shows after a product is purchased, a buyer scores in accordance with

product satisfaction and is entered and stored. Then, each purchaser who has not

purchased the product is given the opportunity to score the product according to the

table of buyers who have already scored, once their IDs are erased, w/ col. 24, lines 31-

38, determining a new score rating based on providers rating, in this case the

personalized filter is represented by determining if each customer has bought and then

rated a product or not and allowing the customer who has not yet bought the product, to

purchase and then score).

a calibration unit for enabling adaptive product recommendations based on

said post-use multiple-scale ratings.

Klingman does not specifically disclose a product recommendation unit for

making product recommendations based on a comparison of said pre-use selection

specifications and said multiple-scale product ratings, but does disclose multiple-scale

product ratings in col. 12, lines 33-47.

However, Brown discloses:

a product recommendation unit for making product recommendations based on a

comparison of said pre-use selection specifications and said multiple-scale product

ratings, (Col. 1, lines 25, shows that purchase histories can be used to automatically

recommend or advertise products, w/Col. 3, lines 17-30, shows a system for selecting

products [for recommendation] where automatically recording a television program

[represents selection of the program as a product] based on the comparison of profile

data associated with received signals [represents pre-use data] and user profile data

generated utilizing user histories of viewed programs, [represents post-use multiple-

scale product ratings since it is shown that lists of suggested products are selected

based on product ratings corresponding to products identified within the user history

data in col. 4, lines 27-37. Brown discloses this limitation in an analogous art for the

purpose of showing that recommendations can be automatically generated based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a product recommendation unit for making product recommendations based on a comparison of said pre-use selection specifications and said multiple-scale product ratings with the motivation of showing that products that haven't been used can be appropriately recommended to a customer based on the rating for a product that the customer has already used.

As per claim 20, Klingman does not specifically disclose wherein said calibration unit includes a correlation unit, the correlation unit collecting a post-use overall rating for the product, and analyzing the pre-/post-use discrepancies to identify which of the rating scaled correlate to the post-use overall rating for the product, but does disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

wherein said calibration unit includes a correlation unit, the correlation unit collecting a post-use overall rating for the product, and analyzing the pre-/post-use discrepancies to identify which of the rating scaled correlate to the post-use overall rating for the product, (Col. 3, lines 17-30, shows a system for automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products

are selected based on product ratings corresponding to products identified within the

user history data in col. 4, lines 27-37. Brown discloses this limitation in an analogous

art for the purpose of showing that recommendations can be automatically generated

based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to include a correlation unit, the correlation unit collecting a post-

use overall rating for the product, and analyzing the pre-/post-use discrepancies to

identify which of the rating scaled correlate to the post-use overall rating for the product

with the motivation of showing that products that haven't been used can be

appropriately recommended to a customer based on the rating for a product that the

customer has already used.

As per claims 21, 22, Klingman does not specifically disclose building an

adjustment filter based on the identified rating scales which correlate to the post-use

overall rating for the product/ Wherein the adjustment filter includes weighting the

identified rating scales to update the multiple-scale product ratings but does disclose

multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

Further including building an adjustment filter based on the identified rating

scales which correlate to the post-use overall rating for the product/ Wherein the

adjustment filter includes weighting the identified rating scales to update the multiple-

scale product ratings, (col. 22, lines 55-62, new scorer causing the score to be

updated). Brown discloses this limitation in an analogous art for the purpose of showing that filtered data can be generated base on user data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to build an adjustment filter based on the identified rating scales which correlate to the post-use overall rating for the product/ Wherein the adjustment filter includes weighting the identified rating scales to update the multiple-scale product ratings with the motivation of having the means to recommend personal products.

As per claim 23, Klingman fails to disclose wherein the adjustment filter is incorporated into the product recommendation unit to filter the pre-use selection specifications, but does disclose product recommendations in Col. 12, lines 56-59.

However, Brown discloses:

Wherein the adjustment filter is incorporated into the product recommendation unit to filter the pre-use selection specifications, (Col. 14, lines 13-25, collaborative filtering). Brown discloses this limitation in an analogous art for the purpose of showing that lists of products selected by users can be utilized to generate lists of recommendations.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an adjustment filter into the product recommendation unit to filter the pre-use selection specifications with the motivation of utilizing personal preferences to make a recommendation.

Response to Arguments

7.   Applicant's arguments filed 2/1/05 have been fully considered but they are not

persuasive.

The applicant argues that since the independent claim 9 has been amended to

recite "each of the multiple-scale ratings corresponds to a rating of a property of content

of the at least one product", then the claims are patentable over the cited references

Klingman (US 5,950,172) and Brown (US 6,611,842). The applicant argues that there

is no mention that the user inputs ratings on multiple scaled and that each of the

multiple-scale ratings corresponds to a rating of a property of content of the at least one

product. However, in col. 11, line 63-Col. 12, line 8, Klingman shows a typical range of

scores starting from the value of 10-60. These scores are rates that a user gives a

product once he or she purchases it through electronic media or otherwise, and

therefore represents rating the product. Specifying *a property of content* as a type of

claim amounts to the recitation of non-functional data; the type of claim has no bearing

on the invention as claimed, and thus carries no patentable weight.

Claim 11, as amended, recites limitations similar to those of claim 9, as

amended, and is therefore rejected for the same reasons as given with respect to claim

9.

Claims 10 and 12 depend directly on claims 9 and 11, respectively, and are

therefore rejected for the same reasons as discussed with respect to claims 9 and 11.

As per claims 13 and 14, the applicant argues that as amended, this claim

distinguishes over the cited references. Specifically, the applicant argues that the

Klingman reference does not disclose that *each of the multiple scale selection*

specifications corresponds to a rating of a property of content of at least one product or

generating pre/post discrepancies for the multiple rating scales by determining the

difference between the pre-use multiple scale selection specifications and the post-use

multiple scale product ratings input by the user, or crating a multiple-scale personalized

filter for said user based on said pre/post use discrepancies. However, as described

above with respect to claim 9, Klingman discloses the first of the two limitations. In

addition, Klingman discloses in Col. 10, lines 46-65, that after a product is purchased

(post-use), a buyer scores in accordance with product satisfaction (represents any

discrepancies) and is entered and stored. Then, each purchaser who has not

purchased (pre-use) the product is given the opportunity to score the product according

to the table of buyers who have already scored, once their IDs are erased, w/ col. 24,

lines 31-38, determining a new score rating based on providers rating. In this case, the

pre-use customers who score's ids are matched to determine if they are post-use

customers who have scored. In this case the match represents the difference between

pre-use and post-use ratings. With reference to the personalized filter, the personalized

filter is represented by determining if each customer has bought and then rated a

product or not and allowing the customer who has not yet bought the product, to
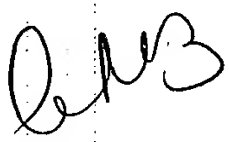
purchase and then score.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-

5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-746-7238

[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],

and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
September 16, 2005

THOMAS A. DIXON
PRIMARY EXAMINER